

Appendix A

2002-04-23 14:23:23

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DECLARATION FOR REISSUE PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is described and for which a reissue patent is sought on the invention entitled

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS
AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM
USING A DISTRIBUTED COMPUTING SYSTEM

filed September 27, 2000 as serial no. 09/672,523 ("the reissue application"), the specification of which is attached hereto and was issued on October 6, 1998 as U.S. Patent no. 5,819,034 ("the original patent") based on serial no. 08/233,908 ("the application"), filed on April 28, 1994.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the effective filing date, that the same was not in public use or on sale in the United States of America more than one year prior to the effective filing date, and that the invention was has not been patented or made the subject of an inventor's certificate issued prior to the effective filing date in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to the effective filing date.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>

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I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Filing Date	Status -- patented, pending, abandoned

I verily believe the original patent to be wholly or partially inoperative by reason that the original patent claims less than I had a right to claim in the patent. The claims fail to cover embodiments of the invention and inventions as claimed in the above-identified reissue application. The error arose without any deceptive intention on my part. The error arose during the drafting of the application and during subsequent amendments in connection with the prosecution of the application which resulted in the issuance of the original patent. The error occurred as a result of the attorney prosecuting the application and I failing to appreciate the scope of the invention and/or to properly identify the invention(s). The error was discovered subsequent to issuance of the original patent during a review of the original patent by the assignee and/or its representatives. I further acknowledge my duty to disclose information which is material to the examination of the application under 37 CFR § 1.56.

I reserve the right to file broadening claims for the present reissue application beyond the two year limit, and in any continuation or divisional reissue application based on the present reissue application.

Send correspondence to André L. Marais, BLAKELY, SOKOLOFF, TAYLOR &
(Name of Attorney or Agent)
ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct
telephone calls to André L. Marais, (408) 720-8300.
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Kuriacose JOSEPH

Inventor's Signature *Kuriacose Joseph* Date 11/20/00

Residence GAITHERSBURG, MARYLAND Citizenship INDIA
(City, State) (Country)

Post Office Address 16124, ORCHARD GROVE RD.

Full Name of Second/Joint Inventor Ansley Wayne JESSUP, Jr.

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Third/Joint Inventor Vincent DUREAU

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Fourth/Joint Inventor Alain DELPUCH

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Title 37, Code of Federal Regulations, Section 1.56
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

POWER OF ATTORNEY

OPENTV CORPORATION hereby appoints the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as its respective patent attorneys and patent agents, with full power of substitution and revocation, to (1) prosecute and (2) transact all business in the Patent and Trademark Office connected with the reissue application serial no. 09/672,523, filed September 27, 2000 entitled:

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM;

which is reissue of U.S. Patent no., 5,819,034, based on application serial no. 08/233,908 filed April 28, 1994.

Dated: 11/04/00

By: 

Umesh Desai

Associate General Counsel – Intellectual Property, OPENTV CORPORATION

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Full Name of Sole/First Inventor Kuriacose JOSEPH

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Second/Joint Inventor Ansley Wayne JESSUP, Jr.

Inventor's Signature Ansley Wayne Jessup Date November 11, 2000

Residence Willingboro, NJ Citizenship USA
(City, State) (Country)

Post Office Address 22 Elmwood Lane
Willingboro NJ 08046

Full Name of Third/Joint Inventor Vincent DUREAU

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Fourth/Joint Inventor Alain DELPUCH

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

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(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

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<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>

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I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date
Application Number	Filing Date

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Filing Date	Status -- patented, pending, abandoned
Application Number	Filing Date	Status -- patented, pending, abandoned

I verily believe the original patent to be wholly or partially inoperative by reason that the original patent claims less than I had a right to claim in the patent. The claims fail to cover embodiments of the invention and inventions as claimed in the above-identified reissue application. The error arose without any deceptive intention on my part. The error arose during the drafting of the application and during subsequent amendments in connection with the prosecution of the application which resulted in the issuance of the original patent. The error occurred as a result of the attorney prosecuting the application and I failing to appreciate the scope of the invention and/or to properly identify the invention(s). The error was discovered subsequent to issuance of the original patent during a review of the original patent by the assignee and/or its representatives. I further acknowledge my duty to disclose information which is material to the examination of the application under 37 CFR § 1.56.

I reserve the right to file broadening claims for the present reissue application beyond the two year limit, and in any continuation or divisional reissue application based on the present reissue application.

Send correspondence to André L. Marais, BLAKELY, SOKOLOFF, TAYLOR &
(Name of Attorney or Agent)
ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct
telephone calls to André L. Marais, (408) 720-8300.
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Kuriacose JOSEPH

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Second/Joint Inventor Ansley Wayne JESSUP, Jr.

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Third/Joint Inventor Vincent DUREAU

Inventor's Signature Mmm Date 4/06/06

Residence Palo Alto, California Citizenship France
(City, State) (Country)

Post Office Address 3519 S. Court
Palo Alto, CA 94306

Full Name of Fourth/Joint Inventor Alain DELPUCH

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Title 37, Code of Federal Regulations, Section 1.56
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Attorney's Docket No.: 005214.P001R

PATENT

POWER OF ATTORNEY

OPENTV CORPORATION hereby appoints the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as its respective patent attorneys and patent agents, with full power of substitution and revocation, to (1) prosecute and (2) transact all business in the Patent and Trademark Office connected with the reissue application serial no. 09/672,523, filed September 27, 2000 entitled:

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM,

which is reissue of U.S. Patent no., 5,819,034, based on application serial no. 08/233,908 filed April 28, 1994.

Dated: _____

By: _____

Umesh Desai

Associate General Counsel – Intellectual Property, OPENTV CORPORATION

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APPENDIX A

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. P42,261; Aloysius T. C. AuYeung, Reg. No. 35,432; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Lisa N. Benado, Reg. No. 39,995; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Andrew C. Chen, Reg. No. 43,544; Thomas M. Coester, Reg. No. 39,637; Donna Jo Coningsby, Reg. No. 41,684; Florin Corie, Reg. No. 46,244; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Klerk, Reg. No. 46,503; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Robert Andrew Diehl, Reg. No. 40,992; Sanjeet Dutta, Reg. No. P46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; George Fountain, Reg. No. 37,374; Paramita Ghosh, Reg. No. 42,806; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Libby N. Ho, Reg. No. P46,774; Willmore F. Holbrow III, Reg. No. P41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Sang Hui Kim, Reg. No. 40,450; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Erica W. Kuo, Reg. No. 42,775; George Brian Leavell, Reg. No. 45,436; Kurt P. Leyendecker, Reg. No. 42,799; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Dennis A. Nicholls, Reg. No. 42,036; Daniel E. Ovanezian, Reg. No. 41,236; Kenneth B. Paley, Reg. No. 38,989; Marina Portnova, Reg. No. P45,750; William F. Ryann, Reg. No. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey Sam Smith, Reg. No. 39,377; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. 42,179; Edwin H. Taylor, Reg. No. 25,129; John F. Travis, Reg. No. 43,203; Joseph A. Twarowski, Reg. No. 42,191; Tom Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. P46,322; Thomas C. Webster, Reg. No. P46,154; Steven D. Yates, Reg. No. 42,242; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; and Justin M. Dillon, Reg. No. 42,486; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and Umesh Desai, Reg. No. 36,360 and Craig Opperman, Reg. No. 37,078, of OpenTV, located at 401 E. Middlefield Road, Mountain View, California 94043, and James R. Thein, Reg. No. 31,710, my patent attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

DECLARATION FOR REISSUE PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is described and for which a reissue patent is sought on the invention entitled

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS
AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM
USING A DISTRIBUTED COMPUTING SYSTEM

filed September 27, 2000 as serial no. 09/672,523 ("the reissue application"), the specification of which is attached hereto and was issued on October 6, 1998 as U.S. Patent no. 5,819,034 ("the original patent") based on serial no. 08/233,908 ("the application"), filed on April 28, 1994.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the effective filing date, that the same was not in public use or on sale in the United States of America more than one year prior to the effective filing date, and that the invention was has not been patented or made the subject of an inventor's certificate issued prior to the effective filing date in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to the effective filing date.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

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<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>
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_____	_____
Application Number	Filing Date

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_____	_____	_____
Application Number	Filing Date	Status -- patented, pending, abandoned
_____	_____	_____
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I reserve the right to file broadening claims for the present reissue application beyond the two year limit, and in any continuation or divisional reissue application based on the present reissue application.

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(Name of Attorney or Agent)
ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct
telephone calls to André L. Marais, (408) 720-8300.
(Name of Attorney or Agent)

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Full Name of Sole/First Inventor Kuriacose JOSEPH

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Second/Joint Inventor Ansley Wayne JESSUP, Jr.

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Third/Joint Inventor Vincent DUREAU

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Fourth/Joint Inventor Alain DELPUCH

Inventor's Signature  Date Nov 13, 2000

Residence LES ESSARTS FRANCE Citizenship FRANCE
(City, State) (Country)

Post Office Address 34 PARC DES ESSARTS
78690 LES ESSARTS LEROI FRANCE

Title 37, Code of Federal Regulations, Section 1.56
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

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- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
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(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Attorney's Docket No.: 005214.P001R

PATENT

POWER OF ATTORNEY

OPENTV CORPORATION hereby appoints the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as its respective patent attorneys and patent agents, with full power of substitution and revocation, to (1) prosecute and (2) transact all business in the Patent and Trademark Office connected with the reissue application serial no. 09/672,523, filed September 27, 2000 entitled:

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM,

which is reissue of U.S. Patent no., 5,819,034, based on application serial no. 08/233,908 filed April 28, 1994.

Dated: _____

By: _____

Umesh Desai

Associate General Counsel – Intellectual Property, OPENTV CORPORATION

005214.P001R

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APPENDIX A

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. P42,261; Aloysius T. C. AuYeung, Reg. No. 35,432; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Lisa N. Benado, Reg. No. 39,995; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Andrew C. Chen, Reg. No. 43,544; Thomas M. Coester, Reg. No. 39,637; Donna Jo Coningsby, Reg. No. 41,684; Florin Corie, Reg. No. 46,244; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Klerk, Reg. No. 46,503; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Robert Andrew Diehl, Reg. No. 40,992; Sanjeet Dutta, Reg. No. P46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; George Fountain, Reg. No. 37,374; Paramita Ghosh, Reg. No. 42,806; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Libby N. Ho, Reg. No. P46,774; Willmore F. Holbrow III, Reg. No. P41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Sang Hui Kim, Reg. No. 40,450; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Erica W. Kuo, Reg. No. 42,775; George Brian Leavell, Reg. No. 45,436; Kurt P. Leyendecker, Reg. No. 42,799; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Dennis A. Nicholls, Reg. No. 42,036; Daniel E. Ovanezian, Reg. No. 41,236; Kenneth B. Paley, Reg. No. 38,989; Marina Portnova, Reg. No. P45,750; William F. Ryann, Reg. No. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey Sam Smith, Reg. No. 39,377; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. 42,179; Edwin H. Taylor, Reg. No. 25,129; John F. Travis, Reg. No. 43,203; Joseph A. Twarowski, Reg. No. 42,191; Tom Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. P46,322; Thomas C. Webster, Reg. No. P46,154; Steven D. Yates, Reg. No. 42,242; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; and Justin M. Dillon, Reg. No. 42,486; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and Umesh Desai, Reg. No. 36,360 and Craig Opperman, Reg. No. 37,078, of OpenTV, located at 401 E. Middlefield Road, Mountain View, California 94043, and James R. Thein, Reg. No. 31,710, my patent attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



Appendix B

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10. ~~A method~~ of facilitating ordering an item using a distributed computing system including at least one client and at least one server, the method comprising:

and

11. The method of claim 10, wherein the single interaction is one of the group including:

selecting of a single button; and

pressing of a single button on a TV remote control.

12. The method of claim 10, wherein causing the order to be placed is achieved by using:

information related to the item; and

user related personal information.

13. The method of claim 12, wherein the personal information includes at least one of the group including a user's name, address, method of payment and payment account number.

14. The method of claim 12, wherein the personal information is stored in memory in the client.

15. The method of claim 10, wherein the distributed computing system is an interactive television system and wherein the showing and/or describing of the item is, at least in part, by television signal.

16. The method of claim 10, wherein the client includes an auxiliary data processor and a client computer.

17. The method of claim 12, wherein the client is associated with at least a set top box, and wherein the personal information is stored at the set top box.

18. The method of claim 17, wherein the set top box is in communication with a local computer and associated storage and wherein the method further comprises:

the client retrieving information from one or more of the local computer and the associated storage.

13. The method of claim 12, wherein the personal information includes at least one of the group including a user's name, address, method of payment and payment account number.

14. The method of claim 12, wherein the personal information is stored in memory in the client.

15. The method of claim 10, wherein the distributed computing system is an interactive television system and wherein the showing and/or describing of the item is, at least in part, by television signal.

16. The method of claim 10, wherein the client includes an auxiliary data processor and a client computer.

17. The method of claim 12, wherein the client is associated with at least a set top box, and wherein the personal information is stored at the set top box.

18. The method of claim 17, wherein the set top box is in communication with a local computer and associated storage and wherein the method further comprises:

the client retrieving information from one or more of the local computer and the associated storage.

19. The method of claim 18, wherein the method further comprises:

controlling the client by means of the local computer.

20. The method of claim 18, wherein the local computer is part of a local area network.

21. The method of claim 10, wherein the system further includes a central processing facility in communication with the server and wherein the method comprises:

sending information used in processing the order from the client to the central processing facility.

22. The method of claim 10, further comprising:

sending an order confirmation to the user to confirm the order.

23. The method of claim 21, further comprising:

communicating information between the client and the server via the central processing facility.

24. The method of claim 23, wherein a telephone system acts as the central processing facility.

25. The method of claim 10 including receiving at the client data including:

- (a) information to show and/or describe the item via the client; and
- (b) information to enable the user to order the item by the single interaction with the client.

26. The method of claim 25 wherein the data further includes an item identifier to identify the item.

27. The method of claim 26 wherein the item identifier includes any one of a group of identifiers including a code and a command.

28. A method of facilitating ordering an item, the method comprising:

providing a client with information to show and/or describe an item to a user; and

enabling the user to order the item by a single interaction with a client.

29. The method of claim 28, wherein the single interaction comprises any one of the group including:

selecting of a single button; and

pressing of a single button on a TV remote control.

30. The method of claim 28, including receiving the order from the client, the order including:

information related to the item; and

user related personal information.

31. The method of claim 30, wherein the personal information comprises any one of the group including a user's name, address, method of payment and payment account number.

32. The method of claim 30, including retrieving the personal information from a memory associated with the client.

33. The method of claim 28, including providing the information in the form of a television signal.

34. The method of claim 28 including communicating with a central processing facility and wherein the client sends the order to the central processing facility for receipt via a transceiver.
35. The method of claim 34 wherein a telephone system acts as the central processing facility.
36. The method of claim 28 including providing an order confirmation to the client to confirm the order.
37. The method of claim 248 including multiplexing the provision of the information and the code to the client to thereby generate data for transmission to the client.
38. A computer system to order an item, the system comprising:
- a data processing system to show and/or describe an item to a user; and
- a client to enable the user to order the item by a single interaction with the client and, in response to the single interaction, to cause an order for the item to be placed.

39. The system of claim 38, wherein the single interaction comprises any one of the group including:

selecting of a single button; and

pressing of a single button on a TV remote control.

40. The system of claim 38, wherein the client is to place the order using:

information related to the item; and

user related personal information.

41. The system of claim 40, wherein the personal information comprises any one of the group including a user's name, address, method of payment and payment account number.

42. The system of claim 40, wherein the personal information is stored in memory of the client.

43. The system of claim 38, wherein the distributed computing system is an interactive television system and wherein the showing and/or describing of the item by the data processing system is, at least in part, performed utilizing a television signal.

45. The system of claim 38, wherein the client is associated with at least a set top box, and wherein the personal information is stored at the set top box.

46. The system of claim 45, wherein the set top box is in communication with a local computer and associated storage and wherein the client is to retrieve information from one or more of the local computer and the associated storage.

47. The system of claim 46, wherein the local computer controls the client.

48. The system of claim 46, wherein the local computer is part of a local area network.

49. The system of claim 38, including a central processing facility in communication with a server and wherein the client sends information used in processing to the central processing facility.

50. The system of claim 49 wherein the server is to send an order confirmation to the user to confirm the order.

51. The system of claim 49, wherein the central processing facility is to communicate information between the client and the server.

52. The system of claim 51 wherein a telephone system acts as the central processing facility.

53. The system of claim 38 including a data receiver to receive data including:

information to show and/or describe the item via the client; and

information to enable the user to order the item by a single interaction with the client.

54. The system of claim 53 wherein the receiver includes an auxiliary data extractor to extract the information to show and/or describe from the data and a packet data extractor to extract the information to enable from the data.

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55. The system of claim 54 wherein the auxiliary data extractor provides the information to show and/or describe to the data processing system and the packet data extractor provides the information to enable to the client.

56. The system of claim 53 wherein the data further includes an item identifier to identify the item.

57. The system of claim 56 wherein the item identifier includes any one a group of identifiers including a code and a command.

58. A computer system to facilitate ordering an item, the system comprising:

a data source to provide a client with information to show and/or describe an item to a user; and

an information source to provide a client with information to enable the user to order the item by a single interaction with a client.

59. The system of claim 58, wherein the single interaction comprises any one of the group including:

a selecting of a single button; and

a pressing of a single button on a TV remote control.

60. The system of claim 58, including a data receiver to receive the order from the client, the order including:

information related to the item; and

user related personal information.

61. The system of claim 60, wherein the personal information comprises any one of the group including a user's name, address, method of payment and payment account number.

62. The system of claim, wherein the code is to retrieve the personal information from a memory associated with the client.

63. The system of claim 58, wherein the data source is to provide the information in the form of a television signal.

64. The system of claim 58 including a data transceiver to communicate with a central processing facility and wherein the client sends the order to the central processing facility for receipt via the data transceiver.

65. The system of claim 64 wherein a telephone system acts as the central processing facility.

66. The system of claim 58 wherein the data source is to provide an order confirmation to the client to confirm the order.

67. The system of claim 58 including a multiplexer to multiplex the provision of the information to show and/or describe and the information to enable to the client to thereby generate data for transmission to the client.

246. The method of claim 25 wherein the information to enable includes code executable by the client to enable the user to order the item by the single interaction with the client.

247. The method of claim 25 wherein the information to enable includes data to be processed by code executable by the client to enable the user to order the item by the single interaction with the client.

248. The method of claim 28 wherein the enabling includes providing code to enable the user to order the item.

249. The method of claim 28 wherein the enabling includes providing data to be processed by code to enable the user to order the item.

250. The system of claim 53 wherein the information to enable includes code to enable the user to order the item.

251. The system of claim 53 wherein the information to enable includes data to be processed by code to enable the user to order the item.

252. The system of claim 58 wherein the information to enable includes code to be executed by the client to enable the user to order the item.

253. The system of claim 58 wherein the information to enable includes data to be processed by code to enable the user to order the item.

260. A machine-readable medium embodying a sequence of instructions that, when executed by a machine, cause the machine to facilitating ordering an item within a distributed computing system including at least one client and at least one server by:

showing and/or describing an item to a user via the client;

enabling the user to order the item by a single interaction with the client;
and

in response to the single interaction with the client, causing an order for the item to be placed.

261. The machine-readable medium of claim 260, wherein the medium comprises a data stream.

262. The machine-readable medium of claim 260, wherein the medium comprises a mass storage device.

2009-04-22/960

263. A machine-readable medium embodying a sequence of instructions that, when executed by a machine, cause the machine to facilitating ordering an item by:

providing a client with information to show and/or describe an item to a user; and

enabling the user to order the item by a single interaction with a client.

278. A method of facilitating ordering using a distributed computing system including at least one client and at least one server, the method comprising:

showing and/or describing an offering to a user via the client;

enabling the user to order the offering by a single interaction with the client; and

in response to the single interaction with the client causing an order related to the offering to be placed.

279. A method comprising:

providing a client with information to show and/or describe an offering to a user; and

enabling the user to order the offering by a single interaction with a client.

280. A computer system comprising:

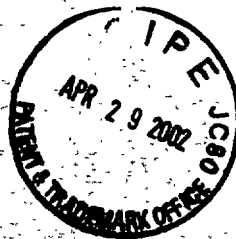
a data processing system to show and/or describe an offering to a user; and

a client to enable the user to order the item by a single interaction with the client and, in response to the single interaction, to cause an order for the offering to be placed.

281. A computer system comprising:

a data source to provide a client with information to show and/or describe an offering to a user; and

an information source to provide a client with information to enable the user to order the offering by a single interaction with a client.



CAU 2166

Attorney's Docket No.: 5214.P001R

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Patent

In re the Application of: Kuriacose JOSEPH, et al.

(inventor(s))

Application No.: 09/672,523

Filed: September 27, 2000

For: A METHOD AND SYSTEM TO FACILITATE ORDERING OF AN ITEM

(title)

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In re the Application of: Kuriacose JOSEPH, et al.

(inventor(s))

Application No.: 09/672,523

Filed: September 27, 2000

For: A METHOD AND SYSTEM TO FACILITATE ORDERING OF AN ITEM

(title)

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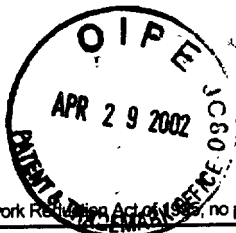
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REISSUE APPLICATION BY THE ASSIGNEE, OFFER TO SURRENDER PATENT		Docket Number (Optional) 005214.P001R
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s): Kuriacose Joseph, et al.		
Patent Number 5,819,034	Date Patent Issued October 6, 1998	
Title of Invention Apparatus for Transmitting and Receiving Executable Applications as for a Multimedia System, and Method and System to Order an Item Using a Distributed Computing System		
OpenTV, Inc. is the assignee of the entire interest in the original patent. I offer to surrender the original patent. <input checked="" type="checkbox"/> A certificate under 37 CFR 3.73(b) is attached. I am authorized to act on behalf of the assignee.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.		
Name of assignee OpenTV, Inc.		
Signature of person signing for assignee 	Date 10/16/2000	
Typed or printed name and title of person signing for assignee Umesh Desai, Associate General Counsel - IP		

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In re Reissue Application of:

Kuriacose JOSEPH, et al.

Serial No.: 09/672,523

Filing Date: September 27, 2000

For: APPARATUS FOR TRANSMITTING
AND RECEIVING EXECUTABLE
APPLICATIONS AS FOR A
MULTIMEDIA SYSTEM, AND
METHOD AND SYSTEM TO ORDER
AN ITEM USING A DISTRIBUTED
COMPUTING SYSTEM

Examiner: Kalinowski, A.

Art Unit: 2761

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CONSENT OF ASSIGNEE TO REISSUE

Sir:

OpenTV, Inc., assignee of U.S. patent no. 5,819,034, consents to the filing of the reissue application no. 90/672,523 for the reissue of U.S. Patent no. 5,819,034.

Date: November 28, 2001

By: 

Umesh Desai
Associate General Counsel - IP
OpenTV, Inc.



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Examiner: Kalinowski, A.

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CERTIFICATION UNDER 37 C.F.R. 3.73

Sir:

OPENTV, INC. certifies that it has ownership of U.S. Patent no. 5,819,034, issued October 6, 1998 by way of an assignment to OPENTV, Inc. (Assignee) from THOMSON CONSUMER ELECTRONICS, INC. (Assignor), recorded September 27, 1999 at reel 010263, frame 0580, by way of an assignment from the inventors (Kuriacose Joseph, Ainsley Wayne Jessup, Jr., Vincent Dureau and Alain Delpuch (Assignors) to THOMSON CONSUMER ELECTRONICS, INC. (Assignee), recorded April 28, 1994 at reel 6978 and frame 0789.

OPENTV, INC.

Date: Dec. 11, 2001

By: 

Umesh Desai
Associate General Counsel - IP
OpenTV, Inc.



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Patent

Attorney's Docket No.: 5214.P001R

In re the Application of: Kuriacose JOSEPH, et al.

(Inventor(s))

Application No.: 09/672,523

Filed: September 27, 2000

For: A METHOD AND SYSTEM TO FACILITATE ORDERING OF AN ITEM

(title)

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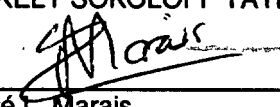
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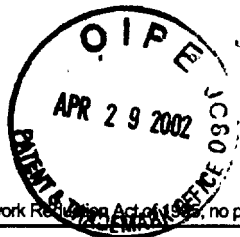
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REISSUE APPLICATION BY THE ASSIGNEE, OFFER TO SURRENDER PATENT		Docket Number (Optional) 005214.P001R								
<p>This is part of the application for a reissue patent based on the original patent identified below</p> <p>Name of Patentee(s): Kuriacose Joseph, et al.</p> <table border="1"><tr><td>Patent Number 5,819,034</td><td>Date Patent Issued October 6, 1998</td></tr></table> <p>Title of Invention Apparatus for Transmitting and Receiving Executable Applications as for a Multimedia System, and Method and System to Order an Item Using a Distributed Computing System</p> <p><u>OpenTV, Inc.</u> is the assignee of the entire interest in the original patent.</p> <p>I offer to surrender the original patent.</p> <p><input checked="" type="checkbox"/> A certificate under 37 CFR 3.73(b) is attached.</p> <p>I am authorized to act on behalf of the assignee.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.</p> <table border="1"><tr><td colspan="2">Name of assignee OpenTV, Inc.</td></tr><tr><td>Signature of person signing for assignee </td><td>Date 10/16/2006</td></tr><tr><td colspan="2">Typed or printed name and title of person signing for assignee Umesh Desai, Associate General Counsel - IP</td></tr></table>			Patent Number 5,819,034	Date Patent Issued October 6, 1998	Name of assignee OpenTV, Inc.		Signature of person signing for assignee 	Date 10/16/2006	Typed or printed name and title of person signing for assignee Umesh Desai, Associate General Counsel - IP	
Patent Number 5,819,034	Date Patent Issued October 6, 1998									
Name of assignee OpenTV, Inc.										
Signature of person signing for assignee 	Date 10/16/2006									
Typed or printed name and title of person signing for assignee Umesh Desai, Associate General Counsel - IP										

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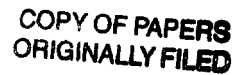
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In re Reissue Application of:

Kuriacose JOSEPH, et al.

Examiner: Kalinowski, A.

Serial No.: 09/672,523

Art Unit: 2761

Filing Date: September 27, 2000

For: APPARATUS FOR TRANSMITTING
AND RECEIVING EXECUTABLE
APPLICATIONS AS FOR A
MULTIMEDIA SYSTEM, AND
METHOD AND SYSTEM TO ORDER
AN ITEM USING A DISTRIBUTED
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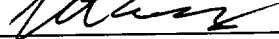
CERTIFICATION UNDER 37 C.F.R. 3.73

Sir:

OPENTV, INC. certifies that it has ownership of U.S. Patent no. 5,819,034, issued October 6, 1998 by way of an assignment to OPENTV, Inc. (Assignee) from THOMSON CONSUMER ELECTRONICS, INC. (Assignor), recorded September 27, 1999 at reel 010263, frame 0580, by way of an assignment from the inventors (Kuriacose Joseph, Ainsley Wayne Jessup, Jr., Vincent Dureau and Alain Delpuch (Assignors) to THOMSON CONSUMER ELECTRONICS, INC. (Assignee), recorded April 28, 1994 at reel 6978 and frame 0789.

OPENTV, INC.

Date: Dec. 11, 2001

By: 
Umesh Desai
Associate General Counsel - IP
OpenTV, Inc.